

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

SPECTRUM SCIENTIFICS, LLC, et al.,

Plaintiffs,

v.

CELESTRON ACQUISITION, LLC, et al.,

Defendants.

Case No. [20-cv-03642-EJD](#) (VKD)

**ORDER RE ORION LITIGATION  
DISCOVERY**

Re: Dkt. Nos. 103, 118, 160

In connection with a discovery dispute originally submitted as Dkt. No. 103, non-party Optronic Technologies, Inc. (“Orion”), Celestron Acquisition LLC (“Celestron”), the Direct Purchaser Plaintiffs (“DPPs”), and the Indirect Purchaser Plaintiffs (“IPPs”) in related case *Hightower v. Celestron Acquisition, LLC*, No. 20-cv-03639-EJD (N.D. Cal.) submitted a status report on April 16, 2021 regarding efforts by Celestron and the IPPs to obtain documents and electronically stored information produced in discovery or used at trial in *Optronic Technologies, Inc., v. Ningbo Sunny Electronic Co., Ltd. et al.*, No. 5:16-cv-06370-EJD (N.D. Cal.) (“the Orion litigation”).

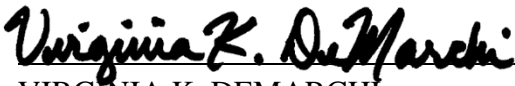
Orion and the parties report that Orion’s discovery vendor, United Litigation Discovery (“ULD”), estimates that it will cost approximately \$11,000-\$15,000 to identify and prepare for production (including removal of clawed-back documents) of the responsive materials that Orion’s prior litigation counsel, BraunHagey & Borden LLP, has located from the Orion litigation. Orion and the parties have discussed but have not yet agreed upon how the cost of ULD’s work should be allocated, and Orion has not yet authorized ULD to proceed with the work.

The Court orders Orion to authorize ULD to proceed with the work for which the estimate

1 was provided. The cost of ULD's work shall be borne equally by Celestron and the IPPs, as they  
2 are the parties seeking to obtain the materials. Celestron and the IPPs shall reimburse Orion for  
3 the cost of ULD's work within 14 days of receiving an invoice for the final amount. Following  
4 completion of discovery of Orion, or at any other time before the close of discovery, the Court  
5 may reconsider the allocation of these costs upon motion of any party.

6 **IT IS SO ORDERED.**

7 Dated: April 20, 2021

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10 VIRGINIA K. DEMARCHI  
11 United States Magistrate Judge  
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